



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

SB0289

Introduced 2/6/2009, by Sen. William R. Haine

SYNOPSIS AS INTRODUCED:

225 ILCS 25/6	from Ch. 111, par. 2306
225 ILCS 25/7.5 new	
225 ILCS 25/16	from Ch. 111, par. 2316
225 ILCS 25/17	from Ch. 111, par. 2317
225 ILCS 25/49	from Ch. 111, par. 2349

Amends the Illinois Dental Practice Act. Provides that the public member of the Board of Dentistry shall not participate in rulemaking or disciplinary cases that involve clinical standards or clinical judgments by dentists. Provides that in the interest of public safety, the Board shall annually review emerging scientific technology and applications and, when appropriate, adopt rules to govern the appropriate use and require the appropriate training needed for this technology by dental hygienists and assistants acting under the supervision of a dentist. Provides that training for cardiopulmonary resuscitation certification as required by this Act shall count towards a dentist's continuing education hours. Provides that a person practices dentistry, within the meaning of the Act, who takes impressions of human teeth or performs any phase of any operation incident to teeth whitening, including, but not limited to, the sale, instruction, and application on site of teeth whitening materials or procedures. Effective immediately.

LRB096 03759 ASK 13789 b

1 AN ACT concerning dental practice.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Dental Practice Act is amended by
5 changing Sections 6, 16, 17, and 49 and by adding Section 7.5
6 as follows:

7 (225 ILCS 25/6) (from Ch. 111, par. 2306)

8 (Section scheduled to be repealed on January 1, 2016)

9 Sec. 6. Board of Dentistry - Report By Majority Required.

10 There is created a Board of Dentistry, to be composed of
11 persons designated from time to time by the Director, as
12 follows:

13 Eleven persons, 8 of whom have been dentists for a period
14 of 5 years or more; 2 of whom have been dental hygienists for a
15 period of 5 years or more, and one public member. None of the
16 members shall be an officer, dean, assistant dean, or associate
17 dean of a dental college or dental department of an institute
18 of learning, nor shall any member be the program director of
19 any dental hygiene program. A board member who holds a faculty
20 position in a dental school or dental hygiene program shall not
21 participate in the examination of applicants for licenses from
22 that school or program. The dental hygienists shall not
23 participate in the examination of applicants for licenses to

1 practice dentistry or in rulemaking or disciplinary cases that
2 involve clinical standards or clinical judgments by dentists.

3 The public member shall not participate in the examination of
4 applicants for licenses to practice dentistry or dental hygiene
5 or in rulemaking or disciplinary cases that involve clinical
6 standards or clinical judgments by dentists. The board shall
7 annually elect a chairman who shall be a dentist.

8 Terms for all members shall be for 4 years. Partial terms
9 over 2 years in length shall be considered as full terms. A
10 member may be reappointed for a successive term, but no member
11 shall serve more than 2 full terms in his or her lifetime.

12 The membership of the Board shall include only residents
13 from various geographic areas of this State and shall include
14 at least some graduates from various institutions of dental
15 education in this State.

16 In making appointments to the Board the Director shall give
17 due consideration to recommendations by organizations of the
18 dental profession in Illinois, including the Illinois State
19 Dental Society and Illinois Dental Hygienists Association, and
20 shall promptly give due notice to such organizations of any
21 vacancy in the membership of the Board. The Director may
22 terminate the appointment of any member for cause which in the
23 opinion of the Director reasonably justifies such termination.

24 A vacancy in the membership of the Board shall not impair
25 the right of a quorum to exercise all the rights and perform
26 all the duties of the Board. Any action to be taken by the

1 Board under this Act may be authorized by resolution at any
2 regular or special meeting, and each such resolution shall take
3 effect immediately. The Board shall meet at least quarterly.
4 The Board may adopt all rules and regulations necessary and
5 incident to its powers and duties under this Act.

6 The members of the Board shall each receive as compensation
7 a reasonable sum as determined by the Director for each day
8 actually engaged in the duties of the office, and all
9 legitimate and necessary expense incurred in attending the
10 meetings of the Board.

11 Members of the Board shall be immune from suit in any
12 action based upon any disciplinary proceedings or other
13 activities performed in good faith as members of the Board.

14 (Source: P.A. 93-821, eff. 7-28-04.)

15 (225 ILCS 25/7.5 new)

16 Sec. 7.5. Emerging scientific technology and applications.
17 In the interest of public safety, the Board shall annually
18 review emerging scientific technology and applications and,
19 when appropriate, adopt rules to govern the appropriate use and
20 require the appropriate training needed for this technology by
21 dental hygienists and assistants acting under the supervision
22 of a dentist. "Emerging scientific technology" may include
23 without limitation laser treatments and other treatments and
24 potential treatments that, if used incorrectly, could have an
25 adverse effect on patient health and safety.

1 (225 ILCS 25/16) (from Ch. 111, par. 2316)

2 (Section scheduled to be repealed on January 1, 2016)

3 Sec. 16. Expiration, renewal and restoration of licenses.

4 The expiration date and renewal date for each license issued
5 under this Act shall be set by rule. The renewal period for
6 each license issued under this Act shall be 3 years. A dentist
7 or dental hygienist may renew a license during the month
8 preceding its expiration date by paying the required fee. A
9 dental hygienist shall provide proof of current
10 cardiopulmonary resuscitation certification at the time of
11 renewal. Cardiopulmonary resuscitation certification training
12 taken as a requirement of this section shall be counted towards
13 the continuing education hours under section 16.1 of this Act.

14 Any dentist or dental hygienist whose license has expired
15 or whose license is on inactive status may have his license
16 restored at any time within 5 years after the expiration
17 thereof, upon payment of the required fee and a showing of
18 proof of compliance with current continuing education
19 requirements, as provided by rule.

20 Any person whose license has been expired for more than 5
21 years or who has had his license on inactive status for more
22 than 5 years may have his license restored by making
23 application to the Department and filing proof acceptable to
24 the Department of taking continuing education and of his
25 fitness to have the license restored, including sworn evidence

1 certifying to active practice in another jurisdiction, and by
2 paying the required restoration fee. A person practicing on an
3 expired license is deemed to be practicing without a license.
4 However, a holder of a license may renew the license within 90
5 days after its expiration by complying with the requirements
6 for renewal and payment of an additional fee. A license renewal
7 within 90 days after expiration shall be effective
8 retroactively to the expiration date.

9 If a person whose license has expired or who has had his
10 license on inactive status for more than 5 years has not
11 maintained an active practice satisfactory to the department,
12 the Department shall determine, by an evaluation process
13 established by rule, his or her fitness to resume active status
14 and may require the person to complete a period of evaluated
15 clinical experience and may require successful completion of a
16 practical examination.

17 However, any person whose license has expired while he has
18 been engaged (1) in federal or state service active duty, or
19 (2) in training or education under the supervision of the
20 United States preliminary to induction into the military
21 service, may have his license restored without paying any
22 lapsed renewal or restoration fee, if within 2 years after
23 termination of such service, training or education other than
24 by dishonorable discharge, he furnishes the Department with
25 satisfactory proof that he has been so engaged and that his
26 service, training or education has been so terminated.

1 (Source: P.A. 94-409, eff. 12-31-05.)

2 (225 ILCS 25/17) (from Ch. 111, par. 2317)

3 (Section scheduled to be repealed on January 1, 2016)

4 Sec. 17. Acts Constituting the Practice of Dentistry. A
5 person practices dentistry, within the meaning of this Act:

6 (1) Who represents himself as being able to diagnose or
7 diagnoses, treats, prescribes, or operates for any
8 disease, pain, deformity, deficiency, injury, or physical
9 condition of the human tooth, teeth, alveolar process, gums
10 or jaw; or

11 (2) Who is a manager, proprietor, operator or conductor
12 of a business where dental operations are performed; or

13 (3) Who performs dental operations of any kind; or

14 (4) Who uses an X-Ray machine or X-Ray films for dental
15 diagnostic purposes; or

16 (5) Who extracts a human tooth or teeth, or corrects or
17 attempts to correct malpositions of the human teeth or
18 jaws; or

19 (6) Who offers or undertakes, by any means or method,
20 to diagnose, treat or remove stains, calculus, and bonding
21 materials from human teeth or jaws; or

22 (7) Who uses or administers local or general
23 anesthetics in the treatment of dental or oral diseases or
24 in any preparation incident to a dental operation of any
25 kind or character; or

1 (8) Who takes impressions of the human tooth, teeth, or
2 jaws or performs any phase of any operation incident to the
3 replacement of a part of a tooth, a tooth, teeth or
4 associated tissues by means of a filling, crown, a bridge,
5 a denture or other appliance; or

6 (9) Who offers to furnish, supply, construct,
7 reproduce or repair, or who furnishes, supplies,
8 constructs, reproduces or repairs, prosthetic dentures,
9 bridges or other substitutes for natural teeth, to the user
10 or prospective user thereof; or

11 (10) Who instructs students on clinical matters or
12 performs any clinical operation included in the curricula
13 of recognized dental schools and colleges; or -

14 (11) Who takes impressions of human teeth or performs
15 any phase of any operation incident to teeth whitening,
16 including, but not limited to, the sale, instruction, and
17 application on site of teeth whitening materials or
18 procedures.

19 The fact that any person engages in or performs, or offers
20 to engage in or perform, any of the practices, acts, or
21 operations set forth in this Section, shall be prima facie
22 evidence that such person is engaged in the practice of
23 dentistry.

24 The following practices, acts, and operations, however,
25 are exempt from the operation of this Act:

26 (a) The rendering of dental relief in emergency cases

1 in the practice of his or her profession by a physician or
2 surgeon, licensed as such under the laws of this State,
3 unless he undertakes to reproduce or reproduces lost parts
4 of the human teeth in the mouth or to restore or replace
5 lost or missing teeth in the mouth; or

6 (b) The practice of dentistry in the discharge of their
7 official duties by dentists in any branch of the Armed
8 Services of the United States, the United States Public
9 Health Service, or the United States Veterans
10 Administration; or

11 (c) The practice of dentistry by students in their
12 course of study in dental schools or colleges approved by
13 the Department, when acting under the direction and
14 supervision of dentists acting as instructors; or

15 (d) The practice of dentistry by clinical instructors
16 in the course of their teaching duties in dental schools or
17 colleges approved by the Department:

18 (i) when acting under the direction and
19 supervision of dentists, provided that such clinical
20 instructors have instructed continuously in this State
21 since January 1, 1986; or

22 (ii) when holding the rank of full professor at
23 such approved dental school or college and possessing a
24 current valid license or authorization to practice
25 dentistry in another country; or

26 (e) The practice of dentistry by licensed dentists of

1 other states or countries at meetings of the Illinois State
2 Dental Society or component parts thereof, alumni meetings
3 of dental colleges, or any other like dental organizations,
4 while appearing as clinicians; or

5 (f) The use of X-Ray machines for exposing X-Ray films
6 of dental or oral tissues by dental hygienists or dental
7 assistants; or

8 (g) The performance of any dental service by a dental
9 assistant, if such service is performed under the
10 supervision and full responsibility of a dentist.

11 For purposes of this paragraph (g), "dental service" is
12 defined to mean any intraoral procedure or act which shall
13 be prescribed by rule or regulation of the Department.
14 Dental service, however, shall not include:

15 (1) Any and all diagnosis of or prescription for
16 treatment of disease, pain, deformity, deficiency,
17 injury or physical condition of the human teeth or
18 jaws, or adjacent structures.

19 (2) Removal of, or restoration of, or addition to
20 the hard or soft tissues of the oral cavity.

21 (3) Any and all correction of malformation of teeth
22 or of the jaws.

23 (4) Administration of anesthetics, except for
24 application of topical anesthetics and monitoring of
25 nitrous oxide. Monitoring of nitrous oxide may be
26 performed after successful completion of a training

1 program approved by the Department.

2 (5) Removal of calculus from human teeth.

3 (6) Taking of impressions for the fabrication of
4 prosthetic appliances, crowns, bridges, inlays,
5 onlays, or other restorative or replacement dentistry.

6 (7) The operative procedure of dental hygiene
7 consisting of oral prophylactic procedures, except for
8 coronal polishing, which may be performed by a dental
9 assistant who has successfully completed a training
10 program approved by the Department. Dental assistants
11 may perform coronal polishing under the following
12 circumstances: (i) the coronal polishing shall be
13 limited to polishing the clinical crown of the tooth
14 and existing restorations, supragingivally; (ii) the
15 dental assistant performing the coronal polishing
16 shall be limited to the use of rotary instruments using
17 a rubber cup or brush polishing method (air polishing
18 is not permitted); and (iii) the supervising dentist
19 shall not supervise more than 4 dental assistants at
20 any one time for the task of coronal polishing.

21 (h) The practice of dentistry by an individual who:

22 (i) has applied in writing to the Department, in
23 form and substance satisfactory to the Department, for
24 a general dental license and has complied with all
25 provisions of Section 9 of this Act, except for the
26 passage of the examination specified in subsection

1 (e), of Section 9, of this Act; or

2 (ii) has applied in writing to the Department, in
3 form and substance satisfactory to the Department, for
4 a temporary dental license and has complied with all
5 provisions of subsection (c), of Section 11, of this
6 Act; and

7 (iii) has been accepted or appointed for specialty
8 or residency training by a hospital situated in this
9 State; or

10 (iv) has been accepted or appointed for specialty
11 training in an approved dental program situated in this
12 State; or

13 (v) has been accepted or appointed for specialty
14 training in a dental public health agency situated in
15 this State.

16 The applicant shall be permitted to practice dentistry
17 for a period of 3 months from the starting date of the
18 program, unless authorized in writing by the Department to
19 continue such practice for a period specified in writing by
20 the Department.

21 The applicant shall only be entitled to perform such
22 acts as may be prescribed by and incidental to their
23 program of residency or specialty training and shall not
24 otherwise engage in the practice of dentistry in this
25 State.

26 The authority to practice shall terminate immediately

1 upon:

2 (1) the decision of the Department that the
3 applicant has failed the examination; or

4 (2) denial of licensure by the Department; or

5 (3) withdrawal of the application.

6 (Source: P.A. 91-594, eff. 1-1-00.)

7 (225 ILCS 25/49) (from Ch. 111, par. 2349)

8 (Section scheduled to be repealed on January 1, 2016)

9 Sec. 49. Identification of dentures.

10 (a) Every complete upper and lower denture and removable
11 dental prosthesis fabricated by a dentist, or fabricated
12 pursuant to his or her prescription, shall be marked with the
13 name ~~or social security number, or both,~~ of the patient for
14 whom the prosthesis is intended. The markings shall be done
15 during fabrication and shall be permanent, legible and
16 cosmetically acceptable. The exact location of the markings and
17 the methods used to apply or implant them shall be determined
18 by the dentist or dental laboratory fabricating the prosthesis.
19 If in the professional judgment of the dentist, this full
20 identification is not possible, the name ~~or social security~~
21 ~~number~~ may be omitted.

22 (b) Any removable dental prosthesis in existence which was
23 not marked in accordance with paragraph (a) of this Section at
24 the time of fabrication, shall be so marked at the time of any
25 subsequent rebasing or duplication.

1 (Source: P.A. 84-365.)

2 Section 99. Effective date. This Act takes effect upon
3 becoming law.